

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

In re:	)	Chapter 11
	)	
Circuit City Stores, Inc., <u>et al.</u> ,	)	Case No. 08-35653
	)	
Debtors.	)	(Jointly Administered)

**ORDER RE: MOTION FOR EXAMINATION AND ORDER DIRECTING  
CREDITOR, GREEN 521 5<sup>th</sup> AVENUE, LLC, TO PRODUCE DOCUMENTS PURSUANT  
TO FEDERAL RULE OF BANKRUPTCY PROCEDURE RULE 2004**

Upon review of the Motion brought by Schimenti Construction Company, LLC (“Schimenti Construction”) for an Order: (a) directing Green 521 5<sup>th</sup> Avenue, LLC (“Green 521”) to appear for examination pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure; and (b) directing Green 521 to produce documents pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure, and no objection having been made, and good cause appearing therefor, IT IS HEREBY ORDERED:

1. That the Motion is approved; and
2. That Green 521 is to produce a representative or other designee to testify regarding the lease by and between Green 521 and Debtor for non residential space located at 521 5<sup>th</sup> Avenue, New York, New York, and such related topics. Pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure, as requested in the Motion, the examination shall take place and said representative or other designee of Green 521 is directed to appear at the office of Creditor’s counsel, Robinson and Cole, LLP, 885 Third Avenue, 28<sup>th</sup> Floor, New York, New York 10022,

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Christopher L. Perkins (Va. Bar No. 41783)  
LeClairRyan, A Professional Corporation  
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*Counsel for Schimenti Construction Company, LLC*

beginning at **10:00 a.m. on April 10, 2009**, or such other time as mutually agreed upon by Schimenti Construction and Green 521, and continued from day to day, excluding weekends and holidays, until completed; and

3. That Green 521 is required to produce the originals or true and correct copies of all documents which are described in **Exhibit A** to Creditor's Motion for examination and copying by counsel for Creditor, Schimenti Construction Company, LLC, pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure at the offices of Robinson and Cole, LLP, 885 Third Avenue, 28<sup>th</sup> Floor, New York, New York 10022, no later than the close of business on **April 3, 2009**.

Date: \_\_\_\_\_

\_\_\_\_\_  
Hon. Kevin R. Huennekens  
United States Bankruptcy Judge

WE ASK FOR THIS:

/s/ Christopher L. Perkins  
Christopher L. Perkins (Va. Bar No. 41783)  
LeClairRyan, A Professional Corporation  
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-AND-

Peter E. Strniste (admitted *Pro Hac Vice*)  
Patrick M. Birney (admitted *Pro Hac Vice*)  
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*Counsel for Schimenti Construction Company, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 30<sup>th</sup> day of March 2009, a true and accurate copy of the foregoing was electronically filed with the Clerk of the Bankruptcy Court for the Eastern District of Virginia, Richmond Division, using the CM/ECF system, which thereby caused the above to be served electronically on all registered users of the ECF system that have filed notices of appearance in this matter, and mailed, by U.S. Mail, first class, postage prepaid, to all persons appearing below:

STEMPEL BENNET CLAMAN & HOCHBERG, P.C.  
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Attn: Edmond P. O'Brien, Esq.  
*Counsel for Green 521 5th Avenue, LLC*

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Gregg M. Galardi, Esquire  
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*Office of the U.S. Trustee*

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/s/ Christopher L. Perkins  
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**EXHIBIT A**

**GENERAL INSTRUCTIONS**

A. The term “document” includes, but is not limited to, all letters, correspondence, writings, financial statements, rent rolls, operating reports, bank statements, bank reconciliations, receipts, invoices, canceled checks, check registers, cash receipts, leases, deeds of trust, mortgages, contracts, appraiser reports, purchase or sale agreements, proposals, and any other data compilation from which information may be obtained in the actual or constructive control or custody of the Green 521.

B. The phrase “relating to” means consisting of, referring to, reflecting, or being legally, logically, or factually connected in any way with the subject matter.

C. The “Debtor” means Circuit City Stores, Inc.

D. The term “Green 521” refers to Creditor, Green 521 5<sup>th</sup> Avenue, LLC and any and all parent or subsidiary entities and all of its members, employees or other representatives.

E. The term “Estate” means the bankruptcy estate of the Debtor in accordance with 11 U.S.C. § 541.

**DOCUMENTS TO PRODUCE**

The documents to be produced include all of the following:

1. Any and all documents relating to Debtor’s liabilities to Green 521.
2. Any and all agreements by and between Debtor and Green 521 including all exhibits and/or amendments thereto.
3. Any and all documents relating to any claims by Green 521 against the Debtor.
4. All purchase and sale receipts and related documentation for equipment, machinery, furniture, and other assets purchased by Green 521 and affixed or installed in the space which is the subject of the Lease Agreement by and between Green 521 and the Debtor.

5. Copies of all leases for personal or real property entered into by and between Green 521 and the Debtor, including any and all leases by and between the Debtor and any business entities related to Green 521.

6. Any and all written communications by and between the Debtor and Green 521.

7. Any and all written communications by and between Green 521 and any person or entity relating to the space which is the subject of the Lease Agreement by and between Green 521 and the Debtor.

8. Any and all documents, including without limitation accounting records and reports, reflecting the amounts due and owing and paid under any lease agreement by and between Debtor and Green 521.

9. Any and all documents, including without limitation accounting records and reports, reflecting allowances or other monies paid or reserved for the construction or fit out of the space which is the subject of the lease agreement by and between Debtor and Green 521.

10. Any and all documents identifying the employees, members or other representatives of Green 521 that communicated with Debtor and/or Schimenti Construction regarding the work performed at the space which is the subject of the lease agreement by and between Debtor and Green 521.